

SENATE MOTION

MR. PRESIDENT:

I move that Senate Bill 331 be amended to read as follows:

- 1 Page 3, between lines 41 and 42, begin a new paragraph and insert:
- 2 "SECTION 7. IC 12-15-8.5-12 IS ADDED TO THE INDIANA
- 3 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 4 [EFFECTIVE JULY 1, 2003]: **Sec. 12. (a) A lien under this chapter**
- 5 **is void if both of the following occur:**
- 6 (1) **The owner of property subject to a lien under this chapter**
- 7 **or any person or corporation having an interest in the**
- 8 **property, including a mortgagee or a lienholder, provides**
- 9 **written notice to the office to file an action to foreclose the**
- 10 **lien.**
- 11 (2) **The office fails to file an action to foreclose the lien in the**
- 12 **county where the property is located not later than thirty (30)**
- 13 **days after receiving the notice.**
- 14 **However, this section does not prevent the claim from being**
- 15 **collected as other claims are collected by law.**
- 16 (b) **A person who gives notice under subsection (a)(1) by**
- 17 **registered or certified mail to the office at the address given in the**
- 18 **recorded statement and notice of intention to hold a lien may file**
- 19 **an affidavit of service of the notice to file an action to foreclose the**
- 20 **lien with the recorder of the county in which the property is**
- 21 **located. The affidavit must state the following:**
- 22 (1) **The facts of the notice.**
- 23 (2) **That more than thirty (30) days have passed since the**
- 24 **notice was received by the office.**
- 25 (3) **That no action for foreclosure of the lien is pending.**
- 26 (4) **That no unsatisfied judgment has been rendered on the**
- 27 **lien.**
- 28 (c) **The recorder shall:**
- 29 (1) **record the affidavit of service in the miscellaneous record**
- 30 **book of the recorder's office; and**
- 31 (2) **certify on the face of the record any lien that is fully**

- 1 **released.**
- 2 **When the recorder records the affidavit and certifies the record**
- 3 **under this subsection, the real estate described in the lien is**
- 4 **released from the lien."**
- 5 Renumber all SECTIONS consecutively.
 (Reference is to HB 331 as printed February 14, 2003.)

Senator KENLEY